Appendix IV (Second Amended Petition, filed 01/11/13)

#### Before the Federal Communications Commission Washington, DC 20554

In the Matter of	)	
Federal-State Joint Board on Universal Service	)	
Consumer Cellular, Inc.	)	WC Docket No. 09-197
Petition for Limited Designation as an Eligible	)	
Telecommunications Carrier	)	

REVISED AMENDED PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATES OF ALABAMA, DELAWARE, CONNECTICUT, FLORIDA, NEW HAMPSHIRE, NEW YORK, NORTH CAROLINA, TENNESSEE, TEXAS, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA

#### CONSUMER CELLULAR, INC.

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Its Attorney

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Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended, ("the Act"), and Section 54.201 of the Federal Communications Commission ("FCC" or "Commission") rules, Consumer Cellular, Inc. ("Consumer Cellular" or "CCI") files the instant Revised Amended Petition seeking limited designation as an Eligible Telecommunications Carrier ("ETC"), for purposes of Section 214(e)(1) of the Act, in order to better serve low-income consumers in the States of Alabama, Delaware, Connecticut, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas, the Commonwealth of Virginia, and the District of Columbia (collectively, the "FCC States"). Consumer Cellular is hereby amending its pending request for ETC designation 1 to include all of the FCC states, and to bring its request for

<sup>&</sup>lt;sup>1</sup> Consumer Cellular, Inc., Petition for Limited ETC Designation in the States of Connecticut, New York, North Carolina, Tennessee, and the Commonwealth of Virginia, WC Docket No. 09-197, filed December 30, 2009. See also, Consumer Cellular, Inc., Request to Amend Petition for Limited ETC Designation to Include Florida, WC Docket No. 09-197, June 28, 2011. (together, "original ETC Petition"). This present Petition primarily reflects some minor changes in

limited ETC Designation into compliance with the FCC's changes to the Lifeline program and the obligations imposed on "Lifeline-only" ETCs.<sup>2</sup>

Consumer Cellular provides wireless service to its customers as a mobile virtual network operator ("MVNO"), using the network facilities of AT&T Mobility. As in its original ETC petition, Consumer Cellular seeks designation as an ETC throughout its non-Tribal service territory in the FCC States. Consumer Cellular will demonstrate in this Amended Petition, and through its Revised Compliance Plan (which it files concurrently with this Amended Petition, and incorporates by reference), that: 1) the State Commissions in the amended FCC States of Alabama, Delaware, New Hampshire, and the District of Columbia lack authority to designate wireless carriers as ETCs, and, under Section 214(e)(6) of the Act, the Commission has jurisdiction to perform the requested designation, 2) Consumer Cellular satisfies all requirements necessary to be designated a "Lifeline-only" ETC, and 3) it is in the public interest for the Commission to grant this Amended Petition.

#### I. THE FCC HAS THE AUTHORITY TO PERFORM THE REQUESTED DESIGNATIONS

In Exhibits 1-5 of its original ETC Petition, and as an attachment to its June 28, 2011 amendment, Consumer Cellular supplied affirmative statements from the States of Connecticut, Florida, New York, North Carolina, Tennessee, and the Commonwealth of Virginia that these jurisdictions lack the authority to perform the requested designations for wireless carriers.

Consumer Cellular's Compliance Plan, approved by the Bureau on May 25, 2012. See, <a href="http://transition.fcc.gov/Daily\_Releases/Daily\_Business/2012/db0525/DA-12-828A1.pdf">http://transition.fcc.gov/Daily\_Releases/Daily\_Business/2012/db0525/DA-12-828A1.pdf</a>

<sup>&</sup>lt;sup>2</sup> In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking, Docket Nos. 96-45, 03-109, 11-42, and 12-23, January 31, 2012 [rel. February 6, 2012]. ("Lifeline Reform Order" or "Order").

Accordingly, under Section 214(e)(6) of the Act, the FCC is the appropriate designating authority for wireless carriers.

In Appendix I to this Revised Amended Petition, Consumer Cellular provides affirmative statements from the States of Alabama, Delaware, New Hampshire, Texas, and the District of Columbia that these jurisdictions lack the authority to designate wireless carriers as ETCs. Thus, the FCC has the requisite authority under Section 214(e)(6) of the Act to designate Consumer Cellular as a Lifeline-only ETC in these amended jurisdictions. As explained in Section III of Consumer Cellular's original ETC Petition, Consumer Cellular is seeking designation as an ETC in the non-Tribal areas throughout its service territory in the FCC States.<sup>3</sup>

To be clear, the ETC designation sought by Consumer Cellular is geographically limited to the service territories in which AT&T Mobility provides wireless service, and CCI's request is limited to participation in the Commission's Lifeline program. Importantly, while Consumer Cellular seeks limited ETC designation in some territories served by both non-rural and rural LECs, CCI does not seek designation to participate in the High Cost support program, and does not seek designation in any Tribal Lands. Thus, as the Commission has noted previously, "[i]n analyzing the public interest factors in [the case of a wireless reseller seeking limited ETC designation to participate in the Lifeline program], there is no rural/non-rural distinction because Lifeline support, unlike high-cost support, is not determined based on whether the service area is rural or non-rural."

<sup>&</sup>lt;sup>3</sup> The service territory for which Consumer Cellular seeks designation as an ETC for Lifelineonly purposes is described in greater specificity in Appendix II.

<sup>&</sup>lt;sup>4</sup> Virgin Mobile Order, 24 FCC Rcd 3381, 3386 ¶ 11, n. 40 (internal citations omitted).

# II. CONSUMER CELLULAR SATISFIES ALL REQUIREMENTS NECESSARY TO BE DESIGNATED A LIFELINE-ONLY ETC

In Section IV of its original ETC Petition, Consumer Cellular established that it was a common carrier, it would provide the supported services via resale pursuant to an anticipated grant of forbearance from the facilities requirements of Section 214(e)(1)(A) and the Commission's associated rules<sup>5</sup>, and that it would comply with the statutory advertising obligations. Since filing its original ETC Petition, the Commission has changed its definition of "supported services" required to be provided by ETCs. The Commission has also changed many of the relevant rules establishing requirements for ETC Designation, and the obligations of ETCs that participate in the Lifeline program. While Consumer Cellular relies broadly on its Revised Compliance Plan, approved by the Commission, to explain how it will comply with all of the Commission's new and modified rules, Consumer Cellular will address all relevant service-related requirements of ETCs, not established previously, in this Section.

#### A. Description of Consumer Cellular and Its Supported Service Offerings

Consumer Cellular currently provides all of the Lifeline-supported services<sup>6</sup> to its existing, non-Lifeline, customer base. Consumer Cellular's mobile voice service, provided pursuant to its MVNO agreement with AT&T Mobility, includes voice grade access to the PSTN, minutes of local usage included for no extra charge, and the same access to emergency call routing that AT&T Mobility provides to its own retail customers. Consumer Cellular's

<sup>&</sup>lt;sup>5</sup> The Commission granted Consumer Cellular's Forbearance Petition on July 30, 2010. See *Telecommunications Carriers Eligible for Universal Service Support; Federal State Joint Board on Universal Service, Petitions for Forbearance of Head Start, Consumer Cellular, Midwestern Telecommunications, and Line Up, LLC, Order, FCC 10-134, 25 FCC Rcd. 10510 (rel. July 30,2010) ("CCI Forbearance Order").* 

<sup>&</sup>lt;sup>6</sup> 47 C.F.R. §54.101(a) (2012).

mobile voice service does not automatically allow customers to make toll calls. The only toll service Consumer Cellular offers is international calling, but customers wishing to use this feature must separately make arrangements for CCI to activate this service. Customers can elect either: 1) to not activate toll calling (and have "toll blocking"), or 2) to limit toll consumption to a pre-arranged monthly amount ("toll control service"), for no extra charge. Finally, Consumer Cellular will provide its Lifeline customers with the same access to emergency calling (which is not assessed against service plans) and 911/E911 capable handsets (all handsets in CCI's inventory) that it currently provides to its existing customers.

Consumer Cellular will make all of its current service plans (with the exception of its *Anywhere Casual* emergency plan) available to its Lifeline customers. Since Consumer Cellular does not anticipate offering any Lifeline services that are not otherwise available to the public, it is providing summary information regarding its service offerings, along with a link to its website.

Qualifying Lifeline customers will be able to choose among all of Consumer Cellular's positive minute plans, which include a variety of voice, text, and data plans and can be found on this link <a href="http://www.consumercellular.com/Info/Plans">http://www.consumercellular.com/Info/Plans</a> to its website. All plans available to Lifeline customers include local minutes of use. The Lifeline price is the normal retail plan price, less \$10.00 (the \$9.25 Lifeline reimbursement rounded up to the nearest dollar). Like all Consumer Cellular retail customers, Lifeline customers must pay a \$35 activation fee when purchasing a new handset. Additionally, Consumer Cellular will not charge its Lifeline customers a monthly number portability charge.<sup>8</sup>

<sup>&</sup>lt;sup>7</sup> Consumer Cellular made this commitment in its original ETC Petition, and in its original Compliance Plan, filed on August 29, 2010 as a condition to the Commission's *CCI Forbearance Order*.

<sup>&</sup>lt;sup>8</sup> 47 C.F.R. § 54.401(e) (2012).

Finally, as it has discussed with the Bureau, <sup>9</sup> Consumer Cellular will undertake two additional voluntary commitments to ensure that it is providing Lifeline service to its customers consistent with the revised Lifeline Rules. First, Consumer Cellular will not approve a customer's Lifeline application until an actual Consumer Cellular employee has verified that the customer meets all requirements to receive Lifeline Service. Second, Consumer Cellular, as part of determining whether a Lifeline applicant is already receiving Lifeline service, will have its call center operators mention the names of two other Lifeline service providers/trade names to ensure that the customer is not currently receiving another Lifeline service.

#### **B.** Advertising of Supported Services

In addition to the prior statutory, and rule, requirements to advertise supported services broadly, the Commission adopted some additional marketing obligations in its *Lifeline Reform Order*. First, the Commission requires Lifeline-only ETCs to "publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service." Second, ETCs must clearly disclose in all materials "that describe the Lifeline-supported service offering" (1) that the offering is a Lifeline-supported service, (2) Lifeline is a government assistance program, (3) the benefit is non-transferable, (4) that only eligible consumers may enroll in the program, and (5) that the program is limited to one benefit per household, consisting of either wireline or wireless service. 12

<sup>&</sup>lt;sup>9</sup> See, *Ex Parte Letter from Jonathan Lee, on behalf of Consumer Cellular, to Marlene H. Dortch*, FCC, WC Docket No. 09-197, November 29, 2012.

<sup>&</sup>lt;sup>10</sup> 47 C.F.R. § 54.405(b).

<sup>&</sup>lt;sup>11</sup> *Order*, ¶ 275.

<sup>&</sup>lt;sup>12</sup> 47 C.F.R. § 54.405(c).

Consumer Cellular will publicize the availability of its Lifeline-supported service in a manner reasonably designed to reach those that qualify for the service. The company has nearly 17 years of experience marketing its services to target audiences and, overall, these efforts have met with considerable success. Consumer Cellular anticipates its Lifeline promotional initiatives will meet with similar results. CCI will include all required information in its Lifeline marketing materials, including web, print, radio, and television advertising.

# C. Consumer Cellular Will Comply With The Additional Requirements for Commission Designation of Lifeline-Only ETCs

Consumer Cellular commits to complying with the additional requirements for Commission designation of Lifeline-only ETCs. <sup>14</sup> Specifically:

- (1) Consumer Cellular certifies that it will comply with the service requirements applicable to the services it provides.<sup>15</sup>
- (2) Consumer Cellular has the ability to remain functional in emergency situations pursuant to its MVNO agreement with AT&T Mobility. As CCI's underlying network provider, AT&T Mobility has the requisite back-up power supply to remain functional in emergencies, and the facilities necessary to ensure that it can handle traffic spikes. AT&T Mobility also routes Consumer Cellular customers' 911/E911 calls in the same manner that it carries the same traffic for its own retail customers.

<sup>&</sup>lt;sup>13</sup> *Id.* at § 54.405(b).

<sup>&</sup>lt;sup>14</sup> 47 C.F.R. § 54.202.

<sup>&</sup>lt;sup>15</sup> *Id.* at § 54.202(a)(1)(i).

<sup>&</sup>lt;sup>16</sup> *Id.* at § 54.202(a)(2).

- (3) Consumer Cellular will continue to satisfy applicable consumer protection and service quality standards. As noted previously, Consumer Cellular has been ranked as the country's best "no contract", and best overall, wireless service provider over the last three years. Consumer Cellular's relationship with AARP, discussed in the following paragraph, helps to ensure that it provides a superior customer service experience to all its subscribers, because Consumer Cellular actively works with AARP to establish and monitor high standards for its wireless service offerings. Furthermore, CCI understands that part of delivering superior service includes answering customer calls in a timely manner, even if the caller seeks to discontinue their CCI service. CCI endeavors to answer at least 80% of its calls within 30 seconds, and 90% of customer emails within 24 hours. Over the last six months, Consumer Cellular has exceeded these goals--answering close to 90% of calls within 30 seconds and 100% of emails within 24 hours. Consumer Cellular also agrees to continue to abide by the CTIA® Consumer Code for Wireless Service.
- (4) Consumer Cellular is financially and technically capable of providing Lifeline service in compliance with the Commission's rules.<sup>18</sup> When establishing this new requirement, the Commission explained factors that it would consider relevant in making the determination of whether a Lifeline-only ETC applicant was "financially and technically capable" of providing the supported service.<sup>19</sup> Some of the Commission's criteria of financial and technical capability are of the type ordinarily considered by the public, including lenders and trade creditors.

Consumer Cellular will discuss these matters at greater length below.

<sup>17</sup> 47 C.F.R. § 54.202(a)(3).

<sup>&</sup>lt;sup>18</sup> *Id.* at § 54.202(a)(4).

<sup>&</sup>lt;sup>19</sup> Lifeline Reform Order, at  $\P$  388.

Among the more regulatory-focused indicia of financial and technical capability, the Commission will consider whether the prospective Lifeline-only ETC applicant "intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state." Consumer Cellular has never received USF disbursements, and does not expect to "rely exclusively" on Lifeline reimbursements in the event it is designated an ETC in the future. Consumer Cellular has not been the subject of enforcement sanctions by the FCC or any state commission.

With respect to the more ordinary indicia of financial and technical capability, Consumer Cellular is one of the few post-paid MVNOs to survive and actually prosper in the highly competitive wireless industry. For the past 17 years, the CCI business model has been to focus on the senior market, grow the company gradually so as not to place undue stress on its operational capabilities, and avoid incurring debt. Today, the company is fast approaching one million customers, has one of the best customer-service reputations in the industry as illustrated by its #1 *Consumer Reports* ranking, and is debt-free.

Further evidence of Consumer Cellular's financial and technical capability of providing Lifeline service is its relationship with AARP. In order for a company as relatively small as Consumer Cellular to be chosen as the "exclusive wireless provider for AARP members," all aspects of its finances and operations were scrutinized closely by AARP for nearly two years before the contract was signed in August, 2008. Consumer Cellular continues to provide monthly and annual reports to AARP to ensure it is capable, both today and in the future, of providing the best possible service to the organization's membership. The program itself has

<sup>&</sup>lt;sup>20</sup> *Order*, at ¶ 388.

performed extremely well as AARP members have found tremendous value in the company's straightforward, low-cost rate plans and its exemplary customer service.

Finally, Consumer Cellular has a history of technical innovation. A few examples include the state-of-the-art Consumer Cellular website, which allows new customers to sign up for service quickly and easily and current customers to perform a variety of account management functions. The new CCI Android application, which enables customers to check usage amounts within seconds from their smartphones. The invoices CCI sends to AARP member-subscribers, which display the aggregate amount of savings they have accrued as a result of the program's special discount. And, as mentioned previously, the innovative automatic usage alerts CCI sends to customers to help them avoid costly overages.

The success of Consumer Cellular is based on its strong financial and technical capabilities.

These same capabilities ensure that the company is well-qualified to offer Lifeline service in full compliance with the Commission's rules.

(5) In Section II. A., supra, Consumer Cellular provided information regarding the terms and conditions of its proposed Lifeline voice telephony service offerings.<sup>21</sup> Consistent with the Commission's rules, Consumer Cellular also discloses that it is a single corporation, has no holding company, or subsidiary companies, and does not do business under any other names.

#### D. Consumer Cellular Will Guard Against Waste, Fraud, and Abuse

As a prospective ETC, Consumer Cellular commits to cooperating with the FCC and the USAC administrator to protect the integrity of the USF. The most effective steps that Consumer

<sup>&</sup>lt;sup>21</sup> 47 C.F.R. § 54.202(5).

Cellular can take to achieve this goal will consist primarily of complying with the Commission's new rules. Consumer Cellular describes in detail, in Section III.C of its Revised Compliance Plan, approved by the WCB, how it will implement the Commission's new procedures to prevent customers from receiving duplicate service, to ensure customer eligibility, and re-certify continued customer eligibility.

Consumer Cellular's efforts to implement the Commission's new rules will be centered around its Lifeline customer application/certification form, which is included as Appendix III.

All Lifeline applicants will be required to provide the *information* required in the attached application form, and make the required certifications before the application can be processed. How the actual form in which the information/certifications will *look* depends upon how the applicant contacts Consumer Cellular (online or telephone) and whether or not the applicant is an existing CCI customer. For example, because Consumer Cellular already has certain information from its existing customers, an existing customer will see different fields if applying online.

Likewise, a customer seeking to apply over the phone will have to orally attest to the information being provided, and Consumer Cellular will collect an IVR record of the customer's certification.

The initial information collected from the customer will be submitted to the USAC administrator in order to determine whether the customer's household is already receiving a Lifeline supported service. The additional information in the application form will allow Consumer Cellular to determine a customer's eligibility, using a state or (in the future) national eligibility database. Even if the customer fails to qualify during the application process (through database checks), the information gathered from the application allows Consumer Cellular to process the customer's information more quickly in the future. The application process itself

will help to protect the integrity of the Fund, because it will inform the customer of what kind of information Consumer Cellular needs in order to verify the customer's eligibility, and it notifies Consumer Cellular of what information to expect and that the customer is aware of the customer's obligations (to provide accurate information, to notify Consumer Cellular of changes in the consumer's account/eligibility, and to expect to have to re-certify eligibility at the correct time).

In addition to the measures required by the Commission's rules, Consumer Cellular will also take other actions to ensure that only eligible customers are enrolled in Lifeline. The single biggest difference between Consumer Cellular and other providers is that all Lifeline customers—even new customers—must first become Consumer Cellular customers before they can be enrolled in the Lifeline program. This feature means that in order to become a regular customer of Consumer Cellular, the company will accept an applicants information and then submit this information to a postal address database, and one to two credit scoring firms.

While a consumer with an active debit or credit card will not be denied service based on the results of credit scoring, the information gathered from these additional sources may provide Consumer Cellular with more information than was on the customer's application form. This additional information may better assist CCI in qualifying the customer for service, or it may allow Consumer Cellular to be able to ask questions that allow CCI to determine if the customer participates in another program which can be verified online. Similarly, a credit check may discover address discrepancies that would not be apparent based on a simple "duplicate" crosscheck.

The bottom line is that Consumer Cellular will use the information it obtains from the customer to access the databases it is required to check, but that it will also use its own databases

that it uses for its other retail customers. If an otherwise-deserving customer is getting unfairly rejected from Lifeline participation, then having more information—which CCI will have through its normal customer intake process—is more likely to solve the customer's problem than to exacerbate it.

Furthermore, for all customers seeking Consumer Cellular's Lifeline discount, the company will have specially trained sales and service representatives who understand the process, and can help get the customer closer to service activation in the quickest way possible. These same service representatives will be the team that handles eligibility information coming in through the mail. Once they are able to conclude that a customer has successfully completed their application, the customer will be approved, and provided the best combination of phone and service plan for that customer.

# III. APPROVING CONSUMER CELLULAR'S REVISED AMENDED PETITION WILL PROMOTE THE PUBLIC INTEREST

Consumer Cellular, in both this Revised Amended Petition and its FCC-approved Revised Compliance Plan, has demonstrated that approval of Revised Amended Petition for Limited Designation as an ETC in the FCC States will serve the public interest by allowing a new and unique competitor into a market segment that encompasses a significant, and growing, percentage of lower-income Americans. According to a new Census Bureau measure of poverty, released last November, one in six Americans 65 or older now live in conditions of economic deprivation.<sup>22</sup> America's seniors are a significant portion of the U.S. population that have not been specifically targeted by any of the previous wireless resellers for which the Commission has granted limited ETC designation.

<sup>&</sup>lt;sup>22</sup> Supplemental Poverty Measure: 2011, U.S. Census Bureau, rel. November 2012. Available at: <a href="http://www.census.gov/prod/2012pubs/p60-244.pdf">http://www.census.gov/prod/2012pubs/p60-244.pdf</a> at fig. 1 and Table 1.

Additionally, limited designation of Consumer Cellular as an ETC in the Subject States would have no material impact on the Universal Service Fund, much less an adverse impact on the Fund. Consumer Cellular will offer service in compliance with all the Commission's new rules so as to limit the chances of serving customers that are not qualified, eligible, and intended to benefit from the Lifeline program.

Consumer Cellular has shown that America's elderly lag the majority of the population in mobile phone adoption, and yet might realize even greater benefits in terms of safety, attachment, and security than other Americans through access to mobile phones.<sup>23</sup> Not only does Consumer Cellular specialize in helping older Americans understand and embrace mobile technology, but Consumer Cellular's postpaid service is easier to use for a segment of the population that might not be able to get to a retail store in order to obtain a mobile phone, or to add minutes to their cellular plan.

By approving this Amended Petition and the accompanying Revised Compliance Plan, the FCC can increase the benefits of competition that the Commission has made possible through its more inclusive policies regarding Lifeline participation by MVNOs. It is, therefore, beyond question that Commission approval of Consumer Cellular's request for a limited ETC designation in the Subject States would benefit the public interest.

#### IV. ANTI-DRUG ABUSE CERTIFICATION

Consumer Cellular certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

\* \* \*

<sup>&</sup>lt;sup>23</sup> Consumer Cellular, Inc., *Petition for Limited ETC Designation*, filed December 30, 2009, p. 4.

As Consumer Cellular has demonstrated above, grant of this Petition providing Consumer Cellular with limited ETC designation to participate in the Lifeline program is consistent with the Act, Commission rules, and the public interest. For these reasons, Consumer Cellular respectfully requests that the FCC designate it as an ETC in the Subject States.

Respectfully submitted,

Justes S. Le

CONSUMER CELLULAR, INC.

Jonathan D. Lee

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January 11, 2013

# Appendix I (Affirmative Statements of the AL, DC, DE, NH, and TX Commissions)

# Alabama Public Service Commission Orders

PINE BELT CELLULAR, INC. and PINE BELT PCS, INC.,

PETITION: For ETC status and/or clarification regarding the jurisdiction of the Commission to grant ETC status to wireless carriers.

Joint Petitioners

**DOCKET U-4400** 

#### ORDER

#### BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214 (e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 \$40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, in any respect, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12<sup>th</sup> day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary



### STATE OF DELAWARE PUBLIC SERVICE COMMISSION

861 Silver Lake Boulevard Cannon Building, Suite 100 Dover, Delaware 19904

TELEPHONE:

(302) 736-7500

FAX:

(302) 739-4849

August 18, 2010

#### VIA E-MAIL

Lance J.M. Steinhart, P.C. 1720 Windward Concourse Suite 115
Alpharetta, Georgia 30005

Dear Mr. Steinhart:

I received your letter on behalf of i-wireless, LLC requesting clarification on Delaware's competitive eligible telecommunication carrier process. This is to confirm that Delaware is a "default" State and, therefore, it is the FCC, not Delaware, that determines eligibility to receive the federally-subsidized price reductions. I am attaching the October 11, 2005 order in PSC Docket No. 05-016T that discusses this issue in a Verizon Delaware, Inc. docket.

I will attach these documents to an e-mail so that you will receive them expeditiously. If you would also like a hard copies of the documents by mail let me know by e-mail and I will forward them to you.

Sincerely

Janis L. Dillard

Acting Executive Director

L. Wille

JUCKET COPY

## BEFORE THE PUBLIC SERVICE COMMISSION NOT HEMOVE FROM OFFICE

#### OF THE STATE OF DELAWARE

IN THE MATTER OF	THE APPLICATION OF	}				
VERIZON DELAWARE	INC., TO MODIFY THE	)				
LIFELINE SERVICE	BY ADDING AN INCOME	)	PSC	DOCKET	NO.	05-016T
QUALIFIER TO THE	ELIGIBILITY CRITERIA	)				
(FILED JUNE 17,	2005)	)				

#### ORDER NO. 6736

This 11<sup>th</sup> day of October, 2005, the Commission determines and Orders the following:

- 1. In the jargon of the federal Lifeline/Link-Up program, Delaware is a "federal default State." Delaware has never, by either state law or state regulation, ordained, nor funded, a stand-alone program to provide discounts on basic telephone services charges for low-income subscribers. Consequently, it was not until 1997, when the Federal Communications Commission ("FCC") revamped the federal Lifeline/Link-Up program, that Delaware subscribers first became eligible for participation in the federal Lifeline program. And given that in a "federal default State" only federally-raised monies are used to reimburse eligible carriers for the Lifeline and Link-Up discounts, it is the FCC, and not the state commission, that gets to call the tune about who should be eligible to receive these federally-subsidized price reductions.
- 2. Since 1997, Verizon Delaware Inc. ("VZ-DE") has been designated as an "eligible telecommunications carrier" and has offered

 $<sup>^{1}\</sup>underline{See}$  PSC Order No. 4684 (Dec. 16, 1997) (summarizing Delaware history and electing to allow "Tier 2" federal support to eligible Delaware subscribers).

federal Lifeline discounts on the federal list of supported services.<sup>2</sup>

And even though in "default" States, Lifeline is almost an exclusively federal program, VZ-DE has, since 1997, filed at the State level, tariff provisions setting forth its Lifeline offerings.<sup>3</sup>

- In 2004, the FCC changed some of the "eligibility" rules describing which subscribers may participate in Lifeline/Link-Up program.4 In particular, the 2004 amendments added additional programs to the list of "eligible" programs where participation confers federal default Lifeline/Link-Up eligibility.5 The 2004 amendments also introduced an additional eligibility criteria income.5 subscriber's household premised the Eligible ontelecommunications carriers, such as VZ-DE, were given one year to implement this new, additional income-based eligibility criteria.7
- 4. To implement these changes prescribed by the FCC, VZ-DE initially filed revisions to the Lifeline and Link-Up portions of its

<sup>&</sup>lt;sup>2</sup>See PSC Order No. 4680 (Dec. 17, 1997) ("ETC" designation for VZ-DE). See also PSC Dckt. No. 97-023T (initial Lifeline tariff filing by VZ-DE).

From December 2000 through December 2003, VZ-DE offered, under its state tariff, an "expanded" Lifeline program for Delaware. The discounts under such program exceeded the Tiers 1 & 2 levels normally available in a default State. VZ-DE offered this expanded program to fulfill a condition imposed by the FCC in approving the Bell Atlantic-GTE merger. See PSC Order No. 6317 (Dec. 9, 2003) (explaining content and cause of this expanded Lifeline offering). Whether Delaware remained a "default State" during this period when VZ-DE subsidized the deeper discounts is an issue that need now be explored or resolved. This "expanded" program ended in December 2003.

<sup>&</sup>lt;sup>4</sup>In the Matter of Lifeline and Link-Up, Report and Order and Further NPRM, 19 FCC Rcd. 8302 (FCC 2004) ("Lifeline Order").

<sup>547</sup> C.F.R. §§ 54.409(b) (Lifeline eligibility criteria in "default" State); 54.415(b) (Link-Up eligibility criteria in "default" State).

<sup>647</sup> C.F.R. §§ 54.409(b), 54.410 (Lifeline); 54.415(b), 54.416 (Link-Up).

<sup>&</sup>lt;sup>7</sup>47 C.F.R. §§ 54.410(a)(ii), 54.416.

These changes incorporated into the State tariff State tariff. provisions the expanded list of "eligibility-conferring" programs. 8 At the same time, the Commission Staff began discussions with VZ-DE to determine whether, under the applicable federal default rules, it was appropriate for VZ-DE to continue to include in its State tariff Lifeline provisions language that conditioned Lifeline eligibility on the subscriber foregoing the ability to purchase many optional or vertical services.9 Eventually, VZ-DE revised its State tariff Lifeline provisions to delete the questioned restrictions. 10 June 2005, VZ-DE filed another Tariff revision to reflect implementation of the household-income criteria for eligibility for Lifeline and Link-Up discounts.11 Finally, on September 9, 2005, VZ-DE submitted another set of revised tariff sheets reflecting further textual revisions, as originally suggested by Staff. In part, these final changes sought to make the State tariff's description of how VZ-DE would administer its Lifeline/Link-Up program to more closely parallel the governing federal default rules.12

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<sup>\*</sup>See PSC Dckt. No. 04-017T (filed July 26, 2004; eff. July 27, 2004).

That restriction - limiting Lifeline subscribers to a small group of designated vertical services - had been a continual part of VZ-DE's state-tariffed Lifeline offerings since 1997. In its <u>Lifeline Order</u>, the FCC expressed its belief that "any restriction on the purchase of vertical services may discourage qualified consumers from enrolling and may serve as a barrier to participation in the [Lifeline] program. <u>Lifeline Order</u> at § 53.

<sup>10</sup>See PSC Dokt. No. 05-008T (filed April 8, 2005; eff. April 16, 2005).

<sup>11</sup>See PSC Dckt. No. 05-016T (filed June 17, 2005; eff. June 22, 2005).

 $<sup>^{12}\</sup>underline{\text{See}}$  PSC Dckt. No. 05-016T, amended tariff sheets filed on September 9, 2005 but with effective date of June 22, 2005).

the various Lifeline filings made by VZ-DE but to recount the course of the filings made since the FCC changed its federal Lifeline/Link-Up program in 2004. Indeed, given that Delaware is a "default" State, VZ-DE's Lifeline/Link-Up offerings are governed more by the federal default rules than by any "approved" State tariff provision. Any State tariff provision that might conflict with a federal default rule would necessarily have to yield. However, the Commission will accept the Lifeline and Link-Up tariff filings lodged by VZ-DE. The Commission believes that VZ-DE's last submission (in September 2005) sets forth a Lifeline and Link-Up offering that is consistent with the federal default rules. However, the filing and acceptance of the State tariff provisions should not be seen as foreclosing any later challenge that VZ-DE's program falls short of the federal directives.

#### Now, therefore, IT IS ORDERED:

1. That, as explained in the body of this Order, the Commission accepts the tariff filings made by Verizon Delaware Inc., to implement its responsibilities to provide federal Lifeline and Link-Up in this "federal default" jurisdiction. In particular, the Commission now accepts the tariff revision filing made September 9, 2005 pertaining to the following leaves in P.S.C.-Del.-No. 1:

Section 20D, Fourteenth Revised Sheet 1 (Link-Up);
Section 20D, Fifth Revised Sheet 2 (Link-Up); and
Section 20E, Eighth Revised Sheet 2 (Lifeline).

2. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Chair OF THE COMMISSION:

Vice Chair

Commissioner

denti a sioner

Commissioner

ATTEST:

Jorna J.



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#### Welcome to the online source for the District of Columbia Official Code

DC ST § 34-2006 Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition <u>Currentness</u>
Division V. Local Business Affairs
Title 34. Public Utilities.

\*\*\*I Subtitle V. Telecommunications.

\*\*\*I Chapter 20. Telecommunications Competition.

⇒§ 34-2006. Exemptions.

- (a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.
- (b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.
- (c) This chapter shall not:
  - (1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;
  - (2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;
  - (3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or
  - (4) After the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

#### CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Effect of Amendments

D.C. Law 17-165 added subsec. (c).

Legislative History of Laws

For legislative history of D.C. Law 11-154, see Historical and Statutory Notes following § 34-2001.

For Law 17-165, see notes following § 34-403.

References in Text

The federal Telecommunications Act of 1996, referred to in (b), is Pub. L. 104-104, which is codified throughout Title 47 of the United States Code.

DC CODE § 34-2006

Current through January 11, 2012

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#### THE STATE OF NEW HAMPSHIRE

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#### RE: ETC Certification in New Hampshire

The federal Universal Service Fund (USF) was created by the Federal Communications Commission (FCC) to promote the availability of quality services at just and reasonable rates to all consumers including low-income customers and those in high cost areas and to increase nationwide access to advanced services in schools, libraries and rural health care facilities. To qualify for universal service funding a carrier must first be certified as an Eligible Telecommunications Carrier (ETC) by the state public utilities commission or, if the state does not assert this authority, by the FCC. See 47 U.S.C. §214 (e).

The New Hampshire Public Utilities Commission maintains authority to determine whether landline telecommunications carriers qualify as ETCs. Pursuant to New Hampshire RSA 362:6, the Commission has no jurisdiction over mobile radio communications services. Consequently, the state declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC.

Sincerely,

F. Anne Ross General Counsel

New Hampshire Public Utilities Commission

#### PROJECT NO. 40561

RULEMAKING TO AMEND	§	PUBLIC UTILITY COMN	assion AHII: 37
SUBSTANTIVE RULE 26.418 RELATING	§		
TO DESIGNATION OF COMMON	§	OF TEXAS	TILLING CLERY
CARRIERS AS ELIGIBLE	§		
TELECOMMUNICATIONS CARRIERS	§		
TO RECEIVE FEDERAL UNIVERSAL	§		
SERVICE FUNDS	§		

# ORDER ADOPTING AMENDMENT TO \$26.418 AS APPROVED AT THE NOVEMBER 16, 2012 OPEN MEETING

The Public Utility Commission of Texas (commission) adopts an amendment to §26.418, relating to Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds, with no changes to the proposed text as published in the August 31, 2012, issue of the *Texas Register* (37 TexReg 6874). The amendment will exclude commercial mobile radio service (CMRS) resellers from eligibility for designation by the commission as an eligible telecommunications carrier (ETC). Instead, a CMRS reseller will be able to seek designation as an ETC by the Federal Communications Commission (FCC). Project Number 40561 is assigned to this proceeding.

The commission did not receive any comments on the proposed amendment.

The amendment is adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2012) (PURA), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically §51.001, which provides that it is the policy of this state to promote diversity of telecommunications providers and interconnectivity; encourage a fully competitive

telecommunications marketplace; and maintain a wide availability of high quality interoperable, standards-based telecommunications services at affordable rates.

Cross Reference to Statutes: PURA §§14.002 and 51.001.

# §26.418. Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds.

- (a) Purpose. This section provides the requirements for the commission to designate common carriers as eligible telecommunications carriers (ETCs) to receive support from the federal universal service fund (FUSF) pursuant to 47 United States Code (U.S.C.) \$214(e) (relating to Provision of Universal Service). In addition, this section provides guidelines for rural and non-rural carriers to meet the federal requirements of annual certification for FUSF support criteria and, if requested or ordered, for the disaggregation of rural carriers' FUSF support.
- (b) Applicability. This section applies to a common carrier seeking designation as an ETC, except for commercial mobile radio service (CMRS) resellers. A CMRS reseller may not seek designation from the commission, but instead may seek designation as an ETC by the Federal Communications Commission (FCC). This section also applies to a common carrier that has been designated by the commission as an ETC, including a CMRS reseller.
- (c) Service areas. The commission may designate ETC service areas according to the following criteria.
  - (1) Non-rural service area. To be eligible to receive federal universal service support in non-rural areas, a carrier must provide federally supported services pursuant to 47 Code of Federal Regulations (C.F.R.) §54.101 (relating to

- Supported Services for Rural, Insular, and High Cost Areas) throughout the area for which the carrier seeks to be designated an ETC.
- Rural service area. In the case of areas served by a rural telephone company, as defined in §26.404 of this title (relating to Small and Rural Incumbent Local Exchange Company (ILEC) Universal Service Plan), a carrier must provide federally supported services pursuant to 47 C.F.R. §54.101 throughout the study area of the rural telephone company in order to be eligible to receive federal universal service support.
- (d) Criteria for determination of ETCs. A common carrier shall be designated as eligible to receive federal universal service support if it:
  - (1) offers the services that are supported by the federal universal service support mechanisms under 47 C.F.R. §54.101 either using its own facilities or a combination of its own facilities and resale of another carrier's services; and
  - (2) advertises the availability of and charges for such services using media of general distribution.
- (e) Criteria for determination of receipt of federal universal service support. In order to receive federal universal service support, a common carrier must:
  - (1) meet the requirements of subsection (d) of this section;
  - offer Lifeline Service to qualifying low-income consumers in compliance with 47
     C.F.R. Part 54, Subpart E (relating to Universal Service Support for Low-Income Consumers); and

(3) offer toll limitation services in accordance with 47 C.F.R. §54,400 (relating to Terms and Definitions) and §54.401 (relating to Lifeline Defined).

#### (f) Designation of more than one ETC.

- (1) Non-rural service areas. In areas not served by rural telephone companies, as defined in §26.404 of this title, the commission shall designate, upon application, more than one ETC in a service area so long as each additional carrier meets the requirements of subsection (c)(1) of this section and subsection (d) of this section.
- (2) Rural service areas. In areas served by rural telephone companies, as defined in §26.404 of this title, the commission may designate as an ETC a carrier that meets the requirements of subsection (c)(2) of this section and subsection (d) of this section if the commission finds that the designation is in the public interest.

#### (g) Proceedings to designate ETCs.

- (1) At any time, a common carrier may seek commission approval to be designated an ETC for a requested service area.
- (2) In order to receive support under this section for exchanges purchased from an unaffiliated carrier, the acquiring ETC shall file an application, within 30 days after the date of the purchase, to amend its ETC service area to include those geographic areas that are eligible for support.
- If an ETC receiving support under this section sells an exchange to an unaffiliated (3) carrier, it shall file an application, within 30 days after the date of the sale, to

amend its ETC designation to exclude from its designated service area those exchanges for which it was receiving support.

#### (h) Application requirements and commission processing of applications.

- (1) Requirements for notice and contents of application.
  - (A) Notice of application. Notice shall be published in the Texas Register. The presiding officer may require additional notice. Unless otherwise required by the presiding officer or by law, the notice shall include at a minimum a description of the service area for which the applicant seeks eligibility, the proposed effective date of the designation, and the following statement: "Persons who wish to comment on this application should notify the Public Utility Commission of Texas by (specified date, ten days before the proposed effective date). Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Public Utility Commission's Customer Protection Division at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136, or use Relay Texas (800) 735-2989 to reach the commission's toll free number (888) 782-8477."
  - (B) Contents of application for each common carrier seeking ETC designation.

    A common carrier that seeks to be designated as an ETC shall file with the commission an application complying with the requirements of this

section. In addition to copies required by other commission rules, one copy of the application shall be delivered to the commission's Regulatory Division and one copy shall be delivered to the Office of Public Utility Counsel. The application shall:

- show that the applicant offers each of the services that are supported by the FUSF support mechanisms under 47 U.S.C. §254(c) (relating to Universal Service) either using its own facilities or a combination of its own facilities and resale of another carrier's services throughout the service area for which it seeks designation as an ETC;
- show that the applicant assumes the obligation to offer each of the services that are supported by the FUSF support mechanisms under 47 U.S.C. §254(c) to any consumer in the service area for which it seeks designation as an ETC;
- (iii) show that the applicant advertises the availability of, and charges for, such services using media of general distribution;
- (iv) show the service area in which the applicant seeks designation as an ETC;
- (v) contain a statement detailing the method and content of the notice the applicant has provided or intends to provide to the public regarding the application and a brief statement explaining why the proposed notice is reasonable and in compliance with applicable law;

- (vi) contain a copy of the text of the notice;
- (vii) contain the proposed effective date of the designation; and
- (viii) contain any other information which the applicant wants considered in connection with the commission's review of its application.
- (C) Contents of application for each common carrier seeking ETC designation and receipt of federal universal service support. A common carrier that seeks to be designated as an ETC and receive federal universal service support shall file with the commission an application complying with the requirements of this section. In addition to copies required by other commission rules, one copy of the application shall be delivered to the commission staff and one copy shall be delivered to the Office of Public Utility Counsel. The application shall:
  - (i) comply with the requirements of subparagraph (B) of this paragraph;
  - (ii) show that the applicant offers Lifeline Service to qualifying low-income consumers in compliance with 47 C.F.R. Part 54, Subpart E; and
  - (iii) show that the applicant offers toll limitation services in accordance with 47 C.F.R. §54.400 and §54.401.

### (2) Commission processing of application.

(A) Administrative review. An application considered under this section may be reviewed administratively unless the presiding officer, for good cause,

determines at any point during the review that the application should be docketed.

- (i) The effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later.
- (ii) The application shall be examined for sufficiency. If the presiding officer concludes that material deficiencies exist in the application, the applicant shall be notified within ten working days of the filing date of the specific deficiency in its application. The earliest possible effective date of the application shall be no less than 30 days after the filing of a sufficient application with substantially complete information as required by the presiding officer. Thereafter, any deadlines shall be determined from the 30th day after the filing of the sufficient application and information or from the effective date if the presiding officer extends that date.
- (iii) While the application is being administratively reviewed, the commission staff and the staff of the Office of Public Utility Counsel may submit requests for information to the telecommunications carrier. Three copies of all answers to such requests for information shall be provided to the commission staff and the Office of Public Utility Counsel within ten days after receipt of the request by the telecommunications carrier.

- (iv) No later than 20 days after the filing date of the application or the completion of notice, whichever is later, interested persons may provide the commission staff with written comments or recommendations concerning the application. The commission staff shall and the Office of Public Utility Counsel may file with the presiding officer written comments or recommendations regarding the application.
- (v) No later than 35 days after the proposed effective date of the application, the presiding officer shall issue an order approving, denying, or docketing the application.
- (B) Approval or denial of application.
  - (i) An application filed pursuant to paragraph (1)(B) of this subsection shall be approved by the presiding officer if the application meets the following requirements:
    - (I) the provision of service constitutes the services that are supported by the FUSF support mechanisms under 47 U.S.C. §254(c);
    - (II) the applicant will provide service using either its own facilities or a combination of its own facilities and resale of another carrier's services;
    - (III) the applicant advertises the availability of, and charges for, such services using media of general distribution;
    - (IV) notice was provided as required by this section;

- (V) the applicant satisfies the requirements contained in subsection (c) of this section; and
- (VI) if, in areas served by a rural telephone company, the ETC designation is consistent with the public interest.
- (ii) An application filed pursuant to paragraph (1)(C) of this subsection shall be approved by the presiding officer if the application meets the following requirements:
  - (I) the applicant has satisfied the requirements set forth in clause (i) of this subparagraph;
  - (II) the applicant offers Lifeline Service to qualifying low-income consumers in compliance with 47 C.F.R. Part 54, Subpart E; and
  - (III) the applicant offers toll limitation services in accordance with 47 C.F.R. §54.400 and §54.401.
- (C) Docketing. If, based on the administrative review, the presiding officer determines that one or more of the requirements have not been met, the presiding officer shall docket the application.
- (D) Review of the application after docketing. If the application is docketed, the effective date of the application shall be automatically suspended to a date 120 days after the applicant has filed all of its direct testimony and exhibits, or 155 days after the proposed effective date, whichever is later. Three copies of all answers to requests for information shall be filed with the commission within ten days after receipt of the request. Affected

persons may move to intervene in the docket, and a hearing on the merits shall be scheduled. A hearing on the merits shall be limited to issues of eligibility. The application shall be processed in accordance with the commission's rules applicable to docketed cases.

- Waiver. In the event that an otherwise ETC requests additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation, the commission may grant a waiver of these service requirements upon a finding that exceptional circumstances prevent the carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period for the waiver shall not extend beyond the time that the commission deems necessary for that carrier to complete network upgrades to provide single-party service, access to enhanced 911 service, or toll limitation services.
- that are supported by federal universal service support mechanisms under 47 U.S.C. §254(c) to an unserved community or any portion thereof that requests such service, the commission, with respect to intrastate services, shall determine which common carrier or carriers are best able to provide such service to the requesting unserved community or portion thereof and shall order such carrier or carriers to provide such service for that unserved community or portion thereof.

- (j) Relinquishment of ETC designation. A common carrier may seek to relinquish its ETC designation.
  - (1) Area served by more than one ETC. The commission shall permit a common carrier to relinquish its designation as an ETC in any area served by more than one ETC upon:
    - (A) written notification not less than 90 days prior to the proposed effective date that the common carrier seeks to relinquish its designation as an ETC;
    - (B) determination by the commission that the remaining eligible telecommunications carrier or carriers can offer federally supported services to the relinquishing carrier's customers; and
    - (C) determination by the commission that sufficient notice of relinquishment has been provided to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier or carriers.
  - (2) Area where the common carrier is the sole ETC. In areas where the common carrier is the only ETC, the commission may permit it to relinquish its ETC designation upon:
    - (A) written notification not less than 90 days prior to the proposed effective date that the common carrier seeks to relinquish its designation as an ETC;
      and
    - (B) commission designation of a new ETC for the service area or areas.

- (k) Rural and non-rural carriers' requirements for annual certification to receive FUSF support. A common carrier serving a rural or non-rural study area shall comply with the following requirements for annual certification for the receipt of FUSF support.
  - (1) Annual certification. Common carriers must provide the commission with an affidavit annually, on or before September 1st of each year, which certifies that the carrier is complying with the federal requirements for the receipt of FUSF support. Upon receipt and acceptance of the affidavits filed on or before September 1st each year, the commission will certify these carriers' eligibility for FUSF to the FCC and the Federal Universal Service Fund Administrator by October 1st each year.
  - (2) Failure to file. Common carriers failing to file an affidavit by September 1st may still be certified by the commission for annual FUSF. However, the carrier is ineligible for support until the quarter following the federal universal service administrator's receipt of the commission's supplemental submission of the carrier's compliance with the federal requirements.
  - (3) **Supplemental certification.** For carriers not subject to the annual certification process, the schedule set forth in 47 C.F.R. §54.313 and 47 C.F.R. §54.314(d) for the filing of supplemental certifications shall apply.
  - (4) Recommendation for Revocation of FUSF support certification. The commission may recommend the revocation of the FUSF support certification of any carrier that it determines has not complied with the federal requirements pursuant to 47 U.S.C. §254(e) and will review any challenge to a carrier's FUSF

support certification and make an appropriate recommendation as a result of any such review.

- (l) **Disaggregation of rural carriers' FUSF support.** Common carriers serving rural study areas must comply with the following requirements regarding disaggregation of FUSF support.
  - exchange carriers (ILECs) may notify the commission of one of the following elections regarding FUSF support. This election will remain in place for four years from the effective date of certification, pursuant to 47 C.F.R. §54.315, unless the commission, on its own motion, or upon the motion of the rural ILEC or an interested party, requires a change to the elected disaggregation plan:
    - (A) a rural ILEC may choose to certify to the commission that it will not disaggregate at this time;
    - (B) a rural ILEC may seek disaggregation of its FUSF support by filing a targeted plan with the commission that meets the criteria in paragraph (3) of this subsection, subject to the commission's approval of the plan;
    - (C) a rural ILEC may self-certify a disaggregation targeted plan that meets the criteria in paragraphs (3) and (4) of this subsection, disaggregate support to the wire center level or up to no more than two cost zones, or mirror a plan for disaggregation that has received prior commission approval; or
    - (D) if the rural ILEC serves a study area that is served by another carrier designated as an ETC prior to the effective date of 47 C.F.R. §54.315,

(June 19, 2001), the ILEC may only self-certify the disaggregation of its FUSF support by adopting a plan for disaggregation that has received prior commission approval.

- Abstain from filing. If a rural ILEC abstains from filing an election on or before May 15, 2002, the carrier will not be permitted to disaggregate its FUSF support unless it is ordered to do so by the commission pursuant to the terms of paragraph (5) of this subsection.
- (3) Requirements for rural ILECs' disaggregation plans. Pursuant to the federal requirements in 47 C.F.R. §54.315(e) a rural ILEC's disaggregation plan, whether submitted pursuant to paragraph (1)(B), (C) or (D) of this subsection, must meet the following requirements:
  - (A) the sum of the disaggregated annual support must be equal to the study area's total annual FUSF support amount without disaggregation;
  - (B) the ratio of the per line FUSF support between disaggregation zones for each disaggregated category of FUSF support shall remain fixed over time, except as changes are required pursuant to paragraph (5) of this subsection;
  - (C) the ratio of per line FUSF support shall be publicly available;
  - (D) the per line FUSF support amount for each disaggregated zone or wire center shall be recalculated whenever the rural ILEC's total annual FUSF support amount changes and revised total per line FUSF support and updated access line counts shall then be applied using the changed FUSF support amount and updated access line counts applicable at that point;

- (E) each support category complies with subparagraphs (A) and (B) of this paragraph;
- (F) monthly payments of FUSF support shall be based upon the annual amount of FUSF support divided by 12 months if the rural ILEC's study area does not contain a competitive carrier designated as an ETC; and
- (G) a rural ILEC's disaggregation plan methodology and the underlying access line count upon which it is based will apply to any competitive carrier designated as an ETC in the study area.
- (4) Additional requirements for self-certification of a disaggregation plan.

  Pursuant to 47 C.F.R. §54.315(d)(2), a rural ILEC's self-certified disaggregation plan must also include the following items in addition to those items required by paragraph (3) of this subsection:
  - (A) support for, and a description of, the rationale used, including methods and data relied upon, as well as a discussion of how the plan meets the requirements in paragraph (3) of this subsection and this paragraph;
  - (B) a reasonable relationship between the cost of providing service for each disaggregation zone within each disaggregation category of support proposed;
  - (C) a clearly specified per-line level of FUSF support for each category pursuant to 47 C.F.R. §54.315(d)(2)(iii);
  - (D) if the plan uses a benchmark, a detailed explanation of the benchmark and how it was determined that is generally consistent with how the level of

- support for each category of costs was derived so that competitive ETCs may compare the disaggregated costs for each cost zone proposed; and
- (E) maps identifying the boundaries of the disaggregated zones within the study area.
- (5) **Disaggregation upon commission order.** The commission on its own motion or upon the motion of an interested party may order a rural ILEC to disaggregate FUSF support under the following criteria:
  - (A) the commission determines that the public interest of the rural study area is best served by disaggregation of the rural ILEC's FUSF support;
  - (B) the commission establishes the appropriate disaggregated level of FUSF support for the rural ILEC; or
  - (C) changes in ownership or changes in state or federal regulation warrant the commission's action.
- (6) Effective dates of disaggregation plans. The effective date of a rural ILEC's disaggregation plan shall be as specified in 47 C.F.R. §54.315.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that §26.418 relating to Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds, is hereby adopted with no changes to the text as proposed.

SIGNED AT AUSTIN, TEXAS on the 1/2 day of 1 Trembuy 2012

**PUBLIC UTILITY COMMISSION OF TEXAS** 

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

ROLANDO PABLOS, COMMISSIONER

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# **Appendix II**

State	SAC	Study Area Name	Rural/Non- Rural
AL	255181	SO CENTRAL BELL-AL	Non-rural
AL	259788	CENTURYTEL-AL-SOUTH	Non-rural
AL	259789	CENTURYTEL-AL-NORTH	Non-rural
AL	250282	BLOUNTSVILLE TEL CO	Rural
AL	250283	BRINDLEE MOUNTAIN	Rural
AL	250284	BUTLER TEL CO	Rural
AL	250285	CASTLEBERRY TEL CO	Rural
AL	250286	NATIONAL OF ALABAMA	Rural
AL	250290	FARMERS TELECOM COOP	Rural
AL	250295	GRACEBA TOTAL COMM	Rural
AL	250298	GULF TEL CO - AL	Rural
AL	250299	HAYNEVILLE TEL CO	Rural
AL	250300	HOPPER TELECOMM. CO.	Rural
AL	250301	FRONTIER-LAMAR CNTY	Rural
AL	250302	WINDSTREAM AL	Rural
AL	250304	MILLRY TEL CO	Rural
AL	250305	MON-CRE TEL COOP	Rural
AL	250306	FRONTIER COMMAL	Rural
AL	250307	MOUNDVILLE TEL CO	Rural
AL	250308	NEW HOPE TEL COOP	Rural
AL	250311	OAKMAN TEL CO (TDS)	Rural
AL	250312	OTELCO TELEPHONE LLC	Rural
AL	250314	PEOPLES TEL CO	Rural
AL	250315	PINE BELT TEL CO	Rural
AL	250316	RAGLAND TEL CO	Rural
AL	250317	ROANOKE TEL CO	Rural
AL	250318	FRONTIER COMM-SOUTH	Rural
AL	250322	UNION SPRINGS TEL CO	Rural
СТ	135200	SOUTHERN NEW ENGLAND	Non-rural
CT	132454	THE WOODBURY TEL CO	Rural
DC	575020	VERIZON WA, DC INC.	Non-rural
DE	565010	VERIZON DELAWARE INC	Non-rural
FL	210328	VERIZON FLORIDA	Non-rural
FL	215191	SOUTHERN BELL-FL	Non-rural
FL	210291	GTC, INC.	Rural
FL	210318	FRONTIER COMM-SOUTH	Rural
FL	210329	GTC, INC.	Rural
FL	210330	SMART CITY TEL LLC	Rural
FL	210331	ITS TELECOMM. SYS.	Rural
FL	210335	NORTHEAST FLORIDA	Rural
FL	210336	WINDSTREAM FL	Rural
FL	210338	QUINCY TEL CO-FL DIV	Rural
FL	210339	GTC, INC.	Rural
FL	210341	EMBARQ FLORIDA INC. FKA SPRINT	Rural

NC	230479	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	Non-rural
NC	230509	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	Non-rural
NC	230864	VERIZON SOUTH INC. DBA NORTH CAROLINA	Non-rural
NC	235193	SOUTHERN BELL-NC	Non-rural
NC	230468	ATLANTIC MEMBERSHIP	Rural
NC	230469	BARNARDSVILLE TEL CO	Rural
NC	230470	CAROLINA TEL & TEL	Rural
NC	230471	CENTEL OF NC	Rural
NC	230473	CITIZENS TEL CO	Rural
NC	230474	CONCORD TEL CO	Rural
NC	230476	WINDSTREAM NC	Rural
NC	230478	ELLERBE TEL CO	Rural
NC	230483	LEXCOM TELEPHONE CO.	Rural
NC	230485	MEBTEL, INC.	Rural
NC	230491	N.ST. DBA N. ST.COMM	Rural
NC	230494	PINEVILLE TEL CO	Rural
NC	230495	RANDOLPH TEL CO	Rural
NC	230496	RANDOLPH MEMBERSHIP	Rural
NC	230497	PIEDMONT MEMBERSHIP	Rural
NC	230498	SALUDA MOUNTAIN TEL	Rural
NC	230500	SERVICE TEL CO	Rural
NC	230501	SKYLINE MEMBERSHIP	Rural
NC	230502	STAR MEMBERSHIP CORP	Rural
NC	230503	SURRY MEMBERSHIP	Rural
NC	230505	TRI COUNTY TEL MEMBR	Rural
NC	230510	WILKES MEMBERSHIP	Rural
NC	230511	YADKIN VALLEY TEL	Rural
NH	125113	NORTHERN NEW ENGLAND TELEPHONE OPERATIONS	Non-rural
NH	120038	BRETTON WOODS TEL CO	Rural
NH	120030	GRANITE STATE TEL	Rural
NH	120039	DIXVILLE TEL CO	Rural
NH	120042	DUNBARTON TEL CO	Rural
NH	120045	KEARSARGE TEL CO	Rural
NH	120047	MERRIMACK COUNTY TEL	Rural
NH	120047	UNION TEL CO	Rural
NH	120050	WILTON TEL CO - NH	Rural
NH	123321	MCTA, INC.	Rural
NY	150121	FRONTIER-ROCHESTER	Non-rural
NY	155130	VERIZON NEW YORK	Non-rural
NY	150071	ARMSTRONG TEL CO-NY	Rural
NY	150071	FRONTIER-AUSABLE VAL	Rural
NY	150072	BERKSHIRE TEL CORP	Rural
NY	150075	CASSADAGA TEL CORP	Rural
NY	150070	CHAMPLAIN TEL CO	Rural
NY	150077	CHAUTAUQUA & ERIE	Rural
NY	150078	CHAZY & WESTPORT	Rural
NY	150079	CITIZENS HAMMOND NY	Rural
NY	150081	TACONIC TEL CORP	Rural
LINI	130004	INDUNIO ILL DONF	ivulai

NY	150085	CROWN POINT TEL CORP	Rural
NY	150088	DELHI TEL CO	Rural
NY	150089	DEPOSIT TEL CO	Rural
NY	150091	DUNKIRK & FREDONIA	Rural
NY	150092	EDWARDS TEL CO	Rural
NY	150093	EMPIRE TEL CORP	Rural
NY	150095	FISHERS ISLAND TEL	Rural
NY	150097	GERMANTOWN TEL CO	Rural
NY	150099	HANCOCK TEL CO	Rural
NY	150100	FRONTIER COMM OF NY	Rural
NY	150104	MARGARETVILLE TEL CO	Rural
NY	150105	MIDDLEBURGH TEL CO	Rural
NY	150106	WINDSTREAM NY-FULTON	Rural
NY	150107	NEWPORT TEL CO	Rural
NY	150108	NICHOLVILLE TEL CO	Rural
NY	150109	WINDSTREAM-JAMESTOWN	Rural
NY	150110	OGDEN TEL DBA FRNTER	Rural
NY	150111	ONEIDA COUNTY RURAL	Rural
NY	150112	ONTARIO TEL CO, INC.	Rural
NY	150113	WINDSTREAM RED JACKT	Rural
NY	150114	ORISKANY FALLS TEL	Rural
NY	150116	PATTERSONVILLE TEL	Rural
NY	150118	PORT BYRON TEL CO	Rural
NY	150121	FRONTIER-ROCHESTER	Rural
NY	150122	FRONTIER-SENECA GORH	Rural
NY	150125	STATE TEL CO	Rural
NY	150128	FRONTIER-SYLVAN LAKE	Rural
NY	150129	TOWNSHIP TEL CO	Rural
NY	150131	TRUMANSBURG TEL CO.	Rural
NY	150133	VERNON TEL CO	Rural
NY	150135	WARWICK VALLEY-NY	Rural
NY	154532	CITIZENS-FRONTIER-NY	Rural
NY	154533	CITIZENS-FRONTIER-NY	Rural
NY	154534	CITIZENS-FRONTIER-NY	Rural
TN	295185	SO. CENTRAL BELL -TN	Non-rural
TN	290280	ARDMORE TEL CO	Rural
TN	290552	CENTURYTEL-ADAMSVILL	Rural
TN	290553	BEN LOMAND RURAL	Rural
TN	290554	BLEDSOE TEL COOP	Rural
TN	290557	CENTURY-CLAIBORNE	Rural
TN	290559	CONCORD TEL EXCHANGE	Rural
TN	290561	CROCKETT TEL CO	Rural
TN	290562	DEKALB TEL COOP	Rural
TN	290565	HIGHLAND TEL COOP-TN	Rural
TN	290566	HUMPHREY'S COUNTY	Rural
TN	290567	UNITED INTER-MT-TN	Rural
TN	290570	LORETTO TEL CO	Rural
TN	290571	MILLINGTON TEL CO	Rural

TN	290573	NORTH CENTRAL COOP	Rural
TN	290574	CENTURYTEL-OOLTEWAH	Rural
TN	290575	TENNESSEE TEL CO	Rural
TN	290576	PEOPLES TEL CO	Rural
TN	290578	TELLICO TEL CO	Rural
TN	290579	TWIN LAKES TEL COOP	Rural
TN	290580	CTZENS-FRNTR-VOL ST	Rural
TN	290581	UTC OF TN	Rural
TN	290583	WEST TENNESSEE TEL	Rural
TN	290584	YORKVILLE TEL COOP	Rural
TN	290598	WEST KENTUCKY RURAL TELEPHONE	Rural
TN	294336	CITIZENS-FRONTIER-TN	Rural
TX	442080	GTE SW VERIZON-TX	Non-rural
TX	442154	GTE-SW VERIZON-TX	Non-rural
TX	445216	SOUTHWESTERN BELL-TX	Non-rural
TX	440425	CAMERON TEL CO TEXAS	Rural
TX	441163	WINDSTREAM SW-TX#1	Rural
TX	442038	BLOSSOM TEL CO	Rural
TX	442039	BIG BEND TEL CO INC	Rural
TX	442040	BRAZORIA TEL CO	Rural
TX	442041	BRAZOS TEL COOP INC	Rural
TX	442043	NORTH TEXAS TEL. CO.	Rural
TX	442046	CAP ROCK TEL COOP	Rural
TX	442052	CENTRAL TEXAS CO-OP	Rural
TX	442057	COLEMAN COUNTY CO-OP	Rural
TX	442059	COLORADO VALLEY TEL	Rural
TX	442060	COMANCHE COUNTY TEL	Rural
TX	442061	COMMUNITY TEL CO	Rural
TX	442065	CUMBY TEL COOP INC	Rural
TX	442066	DELL TEL. CO-OP - TX	Rural
TX	442068	EASTEX TEL COOP INC	Rural
TX	442069	ELECTRA TELEPHONE CO	Rural
TX	442070	ETEX TEL COOP INC	Rural
TX	442071	FIVE AREA TEL CO-OP	Rural
TX	442072	CONSOLIDATED FT BEND	Rural
TX	442073	BORDER TO BORDER	Rural
TX	442076	GANADO TELEPHONE CO	Rural
TX	442083	GUADALUPE VALLEY TEL	Rural
TX	442084	UTC OF TEXAS INC	Rural
TX	442086	HILL COUNTRY CO-OP	Rural
TX	442090	ALENCO COMMUNICATION	Rural
TX	442091	ETS TEL. CO., INC.	Rural
TX	442093	INDUSTRY TEL CO	Rural
TX	442097	WINDSTREAM KERRVILLE	Rural
TX	442101	CENTURYTEL-LK DALLAS	Rural
TX	442103	LA WARD TEL EXCHANGE	Rural
TX	442104	LAKE LIVINGSTON TEL	Rural
TX	442105	LIPAN TEL CO	Rural
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TX	442107	LIVINGSTON TEL CO	Rural
TX	442109	CONSOLIDATED COMM-TX	Rural
TX	442112	MID-PLAINS RURAL TEL	Rural
TX	442114	CENTEL OF TEXAS	Rural
TX	442116	MUENSTER DBA NORTEX	Rural
TX	442117	CENTURYTEL-PORT ARAN	Rural
TX	442130	PEOPLES TEL COOP -TX	Rural
TX	442131	POKA-LAMBRO TEL COOP	Rural
TX	442134	RIVIERA TEL CO INC	Rural
TX	442135	SOUTHWEST TEXAS TEL	Rural
TX	442140	CENTURYTEL-SAN MARCO	Rural
TX	442141	SANTA ROSA TEL COOP	Rural
TX	442143	SOUTH PLAINS TEL	Rural
TX	442147	WINDSTREAM SUGARLAND	Rural
TX	442150	TATUM TEL CO	Rural
TX	442151	TAYLOR TEL CO-OP INC	Rural
TX	442153	TEXAS WINDSTREAM	Rural
TX	442159	VALLEY TEL CO-OP -TX	Rural
TX	442166	WEST TEXAS RURAL TEL	Rural
TX	442168	WES-TEX TEL CO-OP	Rural
TX	442170	XIT RURAL TEL CO-OP	Rural
TX	442262	ENMR TEL COOP-TX	Rural
VA	190233	VERIZON S-VA(CONTEL)	Non-rural
VA	195040	VERIZON VIRGINIA INC	Non-rural
VA	190217	AMELIA TEL CORP	Rural
VA	190219	BUGGS ISLAND COOP	Rural
VA	190220	BURKE'S GARDEN TEL	Rural
VA	190225	CITIZENS TEL COOP	Rural
VA	190226	NTELOS, INC.	Rural
VA	190237	HIGHLAND TEL COOP	Rural
VA	190238	MGW TEL. CO. INC.	Rural
VA	190239	NEW HOPE TEL COOP	Rural
VA	190243	PEMBROKE TEL COOP	Rural
VA	190244	PEOPLES MUTUAL TEL	Rural
VA	190248	SCOTT COUNTY COOP	Rural
VA	190249	ROANOKE & BOTETOURT	Rural
VA	190250	SHENANDOAH TEL CO	Rural
VA	190253	VIRGINIA TEL CO	Rural
VA	190254	CENTEL OF VIRGINIA	Rural
VA	190479	VERIZON SOUTH-VA	Rural
VA	190567	UNITED INTER-MT-VA	Rural
VA	193029	NEW CASTLE TEL. CO.	Rural
VA	197251	SHENANDOAH TELEPHONE COMPANY - NR	Rural



#### **Lifeline Certification Form**

Important: please read carefully. You must provide all of the information requested in order for your application to be processed in a timely manner.

Consumer Cellular is able to offer discounted wireless service to customers that qualify for the Federal government's Lifeline assistance program. Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, and being barred from the program. The terms of this program limit Lifeline discounts to only one telephone number per household. Household is defined as one or more related, or unrelated, adults who share in household income and expenses. This benefit is only available to applicant's household, and is not transferable. Violation of the terms of service is a violation of FCC rules, and will result in the loss of Lifeline service.

By completing this form, the applicant gives Consumer Cellular permission to share relevant information with the federal and state authorities responsible for administering the program. Applicants will be asked to certify the accuracy of this application, and applicants will be asked to supply proof of participation in any qualifying program, or provide proof of income eligibility in the event Consumer Cellular cannot independently verify eligibility.

#### **Personal Information**

Nama		
Name:		
Social Security # :		
Social Security #:		
Full Address (no P.O. Box):		
1 dil 7 dai 7 dai 7 da 1 10 1 10 1 10 1 10 1 10 1		
City:		
State:		
7'- 0-1-		
Zip Code:		
la address permanent er temperary?		
Is address permanent or temporary?		
Mobile Phone (for transfers of service):		
wobile Friorie (for transfers of service).		
Consumer Cellular Customer: Yes No		
Odrisanici Odrialai Odstonici. 165140		
Date of Birth:		
Billing Address (if different):		
9 (		
City: State:Zip:		

## Eligibility for Consumer Cellular Lifeline Service: Government Assistance Program Participation

Please indicate which of the following programs you receive benefits under. I attest, under
penalty of perjury, that I participate in the following government assistance program(s)(check all
that apply):
Supplemental Nutrition Assistance Program (SNAP)
Temporary Assistance for Needy Families
Supplemental Security Income (SSI)
Low-Income Heat & Energy Assistance (LIHEAP)
Medicaid
Homestead Act (Public Housing)
National School Lunch Program
Other (Describe):
Instructions for submitting Proof of Eligibility can be found at the end of the application form.
Eligibility for Consumer Cellular Lifeline Service: Household Income
Eligibility for Consumer Cellular Lifeline Service: Household Income  If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury,
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury,
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345678
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345678  Income limit by household size (number of persons):
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345678  Income limit by household size (number of persons):  1 - \$14,702
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345678  Income limit by household size (number of persons): 1 - \$14,702  2 - \$19,858  3 - \$25,016  4 - \$30,173  5 - \$35,330  6 - \$40,487  7 - \$45,644
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345678  Income limit by household size (number of persons):  1 - \$14,702
If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household(Initial)  Number of persons in household (initial and circle):12345678  Income limit by household size (number of persons):  1 - \$14,702



## Lifeline Applicant Authorization and Certification

Please initial where applicable. I certify, under penalty of perjury, that to the best of my knowledge:

I am the head of my household, and to the best of my knowledge, my household does not receive a Lifeline service discount for any other wireless or wireline phone number. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses.
I authorize Consumer Cellular to be my cellular phone carrier for my Lifeline service. If I currently receive another wireless or wireline Lifeline discount from another provider (such as SafeLink Wireless® or Assurance Wireless®), I have provided that number to Consumer Cellular and wish to transfer my service to Consumer Cellular.
I am eligible to receive Lifeline service based on my participation in the program identified in this application, or based on my income level for the size of my household.
I consent to having Consumer Cellular share information in this application with the Universal Service Administrative Corporation (USAC) to help verify that I am not in violation, either now or in the future, of the requirement that Lifeline service is available for only one line per household.
I understand that I must notify Consumer Cellular and provide my new address within 30 days of moving.
If I provided a temporary address in this application, I will be required to verify my temporary residential address every 90 days.
The information provided in this application and certification form is true and correct to the best of my knowledge.
I understand that Lifeline is a federal government benefit program and that intentionally making false statements in order to obtain this benefit can be punished by fine or imprisonment or I may be barred from the program.
I understand that I must notify Consumer Cellular within 30 days if (1) I cease to participate in a federal or state qualifying program or my annual household income exceeds 135 percent of the federal poverty guidelines; (2) I receive more than one Lifeline-supported service; or (3) another member of my household is receiving a Lifeline benefit.
I acknowledge that I will be required to re-certify my eligibility for Lifeline benefits annually, and I may be required to re-certify my continued eligibility for Lifeline at any time, and that failure to do so will result in the termination of my Lifeline benefits.

## Instructions for submitting Proof of Eligibility

Individuals required to submit Proof of Eligibility for the Consumer Cellular Lifeline program may do so (1) by scanning and transmitting the document(s) electronically with the application form, (2) by faxing the document(s) with the application form to 503-XXX-XXXX, or (3) by mailing the document(s) with the application form to: Consumer Cellular, Lifeline Administration, 7204 SW Durham Road, Suite 300, Portland, Oregon 97224.

Signature of Applicant	Date